

1 Carolin Kay Shining, Esq. (SBN 201140)
2 Brian D. Park, Esq. (SBN 248994)
3 **SHINING & PARK LAW**
4 475 Washington Blvd.
5 Second Floor
6 Marina del Rey, CA 90292
7 Office: (310) 439-3714
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9 cshining@shiningandpark.com
10 bpark@shiningandpark.com

11 *Attorneys for Plaintiff,*
12 **JOHN DOE**



Dated: August 21, 2024

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN DOE, *an individual*,
Plaintiff,
vs.

CARLOS PALACIOS, *an individual and in his capacity as the County Administrative Officer for the County of Santa Cruz, et al.*,
Defendants.

Case No.: 5:24-cv-02796-PCP

**PLAINTIFF'S ADMINISTRATIVE
MOTION FOR VIDEO
TELECONFERENCE APPEARANCE**

[Local Civil Rule 7-11]

*Assigned to the
Hon. Judge P. Casey Pitts*

Courtroom 8; 4th Floor

**Date: August 27, 2024
Time: 1:00 p.m.**

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF
RECORD:

PLEASE TAKE NOTICE that Carolin K. Shining, Esq., counsel for JOHN DOE,
Plaintiff, hereby requests that the Court grant this unopposed administrative motion for

SHINING & PARK LAW
475 WASHINGTON BOULEVARD
MARINA DEL REY, CA 90292

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2 appearance of counsel by video teleconference at the Initial Case Management Conference
3 currently set for August 27, 2024 at 1:00 p.m. in Courtroom 8, 4th Floor, United States District
4 Court, Northern District of California,

5 **I. INTRODUCTION**

6 This matter was recently filed in the Northern District of California on May 9, 2024. [ECF
7 1]. Defendants did not file any initial dispositive motions but instead answered on June 27, 2024
8 [ECF 10].

9 On June 27, 2024, Defendants filed a declination of proceeding before a Magistrate Judge
10 [ECF 11] all pending set dates were vacated, and then the matter was reassigned to the Hon. Judge
11 P. Casey Pitts for all further proceedings [ECF 13].

12 On July 3, 2024, Initial Case Management Conference (ICMC) was set for August 29, 2024
13 at 1:00 p.m. [ECF 14]

14 On July 9, 2024, the ICMC was advanced from August 29, 2024 to August 27, 2024. [ECF
15 15].

16 On August 15, 2024, a Joint Case Management Conference Statement (JCMCS) was filed
17 by the parties. [ECF 17].

18 Shortly after the meet and confer process in preparing the JCMCS, Counsel for Plaintiff
19 Carolin K. Shining asked Counsel for Defendant Melissa Shaw if she would join and/or oppose a
20 motion for Plaintiff's Counsel to appear by video teleconference at the August 27, 2024 ICMC.
21 Counsel for Defendant stated that she would not oppose such a motion. [Declaration of Carolin
22 K. Shining filed concurrently herewith].

23 This administrative request is being made seven (7) days prior to the hearing date per local
24 rules. Carolin K. Shining and Brian Park will be able to both appear without additional expense
25 to the client. Information as to the persons who will be in attendance to the Court's Clerk will be
26 provided immediately following any grant of this request.

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II. STATEMENT OF FACTS

1. Good cause is shown for granting this request:

- a. Plaintiff's counsel's offices are located in Los Angeles and Orange County. (Shining Decl., Para. 1).
- b. Traveling to San Jose would constitute travel in excess of 300 miles and require over five hours of driving time. (Shining Decl., Para. 2).
- c. Technological capabilities of appearing for case management conference hearings are prolific and Plaintiff's counsel are familiar with the technological requirements needed to appear in a professional manner at remote court hearings. (Shining Decl., Para. 3).
- d. COVID variants have reappeared to become highly prevalent throughout California. (Shining Decl., Para. 4).
- e. As required by the Court's standing orders, Lead Co-Counsel, Carolin Shining, will appear on the video teleconference fully prepared and well versed in the issues, thereby ensuring compliance with the Court's standing orders. (Shining Decl., Para. 5).
- f. To the extent that a videoconference is permitted, Lead Co-Counsel Brian Park will be able to appear without added expense or use of resources. (Shining Decl., Para. 6).

2. Given the difficulties in travel, the experience of Plaintiff's counsel in appearing via teleconference and the current level of risk of spreading COVID during this time, it is reasonable to grant this request to appear by video teleconference for this initial case management conference.

III. ARGUMENT

The Northern District of California including this court are well equipped in the technology required for video teleconference appearances. Although the Court's Standing Orders state that video teleconference appearance requests are not always granted, this court's current calendar includes several Clerk's Notices setting other civil matters for videoconference also on August 27, 2024. (*See e.g., Ervine v. Clarke*, No. C 00-3274 PJH (N.D. Cal. Mar. 10, 2006) (Hamilton,

J.) (final trial order granting plaintiff-prisoner leave to appear via video conferencing from a Department of Corrections facility).

As Defense Counsel have stated that they do not oppose this request, a video appearance will not prejudice them or the court process.

Conclusion and Relief Sought

Plaintiff respectfully requests that counsel for Plaintiff be allowed to appear via video teleconference for the Initial Case Management Conference on August 27, 2024 at 1:00 p.m. only.

Date: __August 20_____, 2024

SHINING & PARK LAW

___/s/ Carolin K. Shining /s/_____

Carolin K. Shining, Esq.

Brian D. Park, Esq.

Attorneys for Plaintiff

JOHN DOE

SHINING & PARK LAW
475 WASHINGTON BOULEVARD
MARINA DEL REY, CA 90292

CERTIFICATION OF CONFERENCE

I certify that I have conferred with opposing counsel regarding the motion for video teleconference appearance and do not oppose this motion.

Date: _August 20____, 2024

SHINING & PARK LAW

Carolyn K. Shining, Esq.
Brian D. Park, Esq.
Attorneys for Plaintiff
JOHN DOE

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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
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22 *for the County of Santa Cruz, et al.,*
23 Defendants.

Case No.: 5:24-cv-02796-PCP

CERTIFICATE OF SERVICE

[Local Civil Rule 7-11]

Assigned to the
Hon. Judge P. Casey Pitts

Courtroom 8; 4th Floor

Date: August 27, 2024
Time: 1:00 p.m.

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I certify and declare that I am over 18 years of age, employed in the County of Los Angeles, State of California, and not a party to the within action. My business address is 475 Washington Blvd., Marina del Rey, CA 90292. On **August 20, 2024**, I served documents described as:

**PLAINTIFF'S UNOPPOSED ADMINISTRATIVE MOTION
FOR VIDEO TELECONFERENCE APPEARANCE**

on the interested parties in this action by placing a true and correct copy (ies) thereof as follows:

MELISSA C. SHAW, State Bar No. 232275, Assistant County Counsel
Office of the Santa Cruz County Counsel
701 Ocean Street, Room 505, Santa Cruz, California 95060
Email: melissa.shaw@santacruzcountyca.gov

☒ **BY MAIL** I caused such envelope to be deposited in the mail at Marina del Rey, California. The envelope(s) were mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

☐ **BY PERSONAL SERVICE** I personally served this document upon the persons or entities named.

☐ **BY OVERNIGHT SERVICE** I caused such envelope to be picked-up at Marina del Rey, California and delivered by _____ overnight mail.

☒ **BY EMAIL** I sent email, a copy of said document(s) to the foregoing addressee(s) identified above.

I hereby certify and declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed this August 20, 2024 at Marina del Rey, California.

/s/ Carolin Shining /s/

Carolin Shining

1 Carolin Kay Shining, Esq. (SBN 201140)
2 Brian D. Park, Esq. (SBN 248994)
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12 *JOHN DOE*

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
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21 *for the County of Santa Cruz, et al.,*
22 Defendants.

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**DECLARATION OF CAROLIN K.
SHINING**

[Local Civil Rule 7-11]

Assigned to the
Hon. Judge P. Casey Pitts

Courtroom 8; 4th Floor

Date: August 27, 2024

Time: 1:00 p.m.

23
24 I, Carolin K. Shining, am counsel for Plaintiff in the above-identified matter, and I am
25 familiar with the case and pleadings therein. Based on matters within my personal knowledge
26 and as stated, on information and belief, I make the following declaration and if called upon to
27 testify thereto, would so testify:

28 1. The offices of Shining & Park Law are located in Los Angeles and Orange County.

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2. Traveling to San Jose would constitute travel in excess of 300 miles and require over five hours of driving time.
3. Technological capabilities of appearing for case management conference hearings are prolific and Plaintiff's counsel are familiar with the technological requirements needed to appear in a professional manner at remote court hearings.
4. COVID variants have reappeared to become highly prevalent throughout California.
5. As required by the Court's standing orders, as co-lead counsel, I will appear on the video teleconference fully prepared and well versed in the issues, thereby ensuring compliance with the Court's standing orders.
6. To the extent that a videoconference is permitted, my partner and co-lead counsel, Brian Park will also be able to appear without added expense or use of resources.
7. Given the difficulties in travel, the experience of Plaintiff's counsel in appearing via teleconference and the current level of risk of spreading COVID during this time, it is reasonable to grant this request to appear by video teleconference for this initial case management conference.
8. Prior to making this motion, I contacted Melissa Shaw, counsel for Defendants, and asked if she would join in the motion. She stated that she intended to appear in person, but would not oppose any motion to appear via videoconference.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this August 20th of 2024, in Marina del Rey, California.

___/s/ Carolin Shining /s/___
Carolin K. Shining, Esq.
Brian D. Park, Esq.
Attorneys for Plaintiff
JOHN DOE